

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

FILED
AUG 22 2013


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CHAD TWO HEARTS,

Defendant.

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CR 12-30108-RAL

OPINION AND ORDER
ADOPTING REPORT AND
RECOMMENDATION AND
DENYING MOTION
TO SUPPRESS

The Government charged Chad Two Hearts with aggravated sexual abuse of a child. Doc. 35. Two Hearts filed a Motion to Suppress Statements he made during three interviews with law enforcement officers. Doc. 31. Magistrate Judge Mark A. Moreno held an evidentiary hearing during which he received recordings of two of the interviews and heard testimony from Two Hearts and several law enforcement officers. On August 16, 2013, Judge Moreno issued a Report and Recommendation recommending denial of Two Hearts's motion. Doc. 77. Two Hearts agreed to shorten the time period for objections to the Report and Recommendation to four days. Doc. 78 at 19-20.

This Court reviews a report and recommendation pursuant to the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in pertinent part that "[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." "In the absence of an objection, the district court is not required 'to give any more consideration to the magistrate's report than the court considers

appropriate.” United States v. Murillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Here, the time for filing objections has passed and Two Hearts has indicated in an email to this Court that he will not be objecting to the Report and Recommendation. Accordingly, this Court has reviewed the Report and Recommendation under a clearly erroneous standard of review. See Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam) (explaining that when no objections are filed and the time for filing objections has expired, the district court “would only have to review the findings of the magistrate judge for clear error”). Finding no clear error, this Court adopts the Report and Recommendation.

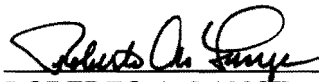
For the foregoing reasons, it is hereby

ORDERED that Two Hearts’s Motion to Suppress Statements, Doc. 31, is denied. It is further

ORDERED that the Report and Recommendation, Doc. 77, is adopted.

Dated August 22, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE